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REMARKS

The Office Action mailed July 3, 2006 has been received and reviewed. Claims 21-36 are pending in the case. Claims 21-36 stand rejected under the judicially created doctrine of obviousness-type double patenting. Claims 21-36 also stand rejected under 35 U.S.C. § 102(b).

By this Amendment, several small clerical errors in the specification have been corrected. For the reasons set forth below, claims 21-36 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is therefore respectfully requested.

Rejection of Claims 21-36 for Obviousness-Type Double Patenting

Claims 21-36 stand rejected under the judicially created doctrine of obviousness-type double patenting over selected claims of U.S. Patent No. 6,691,181.

Applicant has included herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, Application respectfully requests that the rejection of claims 21-36 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejection of Claims 21-36 Under 35 U.S.C. §102(b)

Claims 21-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,115,416 to Katsman et al. ("Katsman").

For a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in

a single reference in the same way as specified in the patent claim. MPEP § 2131.

Applicant submits that Katsman fails to disclose each and every element disclosed in Applicant's claims. For example, with respect to claim 21, Katsman fails to disclose a "a delay module to dynamically assign a value to a delay to be imposed" on an "exchange of data." As documented in Figure 3 of Applicant's specification, a delay is imposed directly on a data stream communicated between several devices. Katsman, however, discloses "insert[ing] a fixed and variable time delay into . . . subtone clock signals" (*See* column 2, lines 10-15). Applicant submits that delaying a "clock signal" differs significantly from imposing a delay on an "exchange of data." Furthermore, Applicant could not likely achieve the beneficial results he achieves by imposing a delay on a clock signal. This difference is easily observed in Figure 7 of Katsman, where it clearly shows a data signal that is distinct from the delayed subtone clock signals. Because Katsman does not teach a delay imposed on an "exchange of data," Katsman fails to anticipate independent claim 21.

Because independent claim 30 contains language very similar to claim 21, Applicant asserts that Katsman fails to anticipate claim 30 for the same reasons cited above with respect to claim 21.

Applicant also asserts that Katsman fails to anticipate independent claim 32. Claim 32 discloses a "detection module" to detect errors "due to time gaps in data exchanges." As mentioned above, Katsman does not detect time gaps in "data exchanges," but rather inserts delays into "subtone clock signals" (Column 2, lines 10-15). This is a significant difference between the teachings of Katsman and Applicant's claimed invention. Thus, Katsman fails to anticipate claim 32.

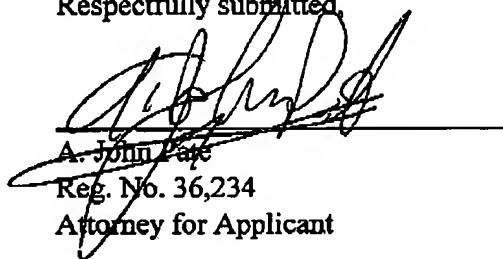
Because claims 22-29, 31, and 33-36 depend from independent claim 21, 30, and 32, Applicant submits that these claims are allowable over Katsman at least due to their direct or indirect dependency therefrom.

CONCLUSION

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 21st day of September, 2006.

Respectfully submitted,



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